

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kenneth C Whiteleather
aka Kenny C Whiteleather
Debtor(s)

Bankruptcy Case No.: 18-24915-CMB
Issued Per Mar. 4, 2019 Proceeding
Chapter: 13
Docket No.: 35 - 27
Concil. Conf.: July 11, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 14, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jul. 11, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Citizens Bank at Claim No. 5 shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 11, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kenneth C Whiteleather
 Debtor

Case No. 18-24915-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 40

Date Rcvd: Mar 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 13, 2019.

db
 14970405 +Kenneth C Whiteleather, 5900 Babcock Boulevard, Unit 17, Pittsburgh, PA 15237-2553
 14970409 +Barclays Bank Delaware, Po Box 8803, Wilmington, DE 19899-8803
 14991202 +Chase Auto, Po Box 901003, Ft Worth, TX 76101-2003
 14970410 +Citizens Bank N.A., One Citizens Bank Way, Mailstop: JCA115, Johnston, RI 02919-1922
 15006896 +Citizens Bank Na, 480 Jefferson Boulevard, Warwick, RI 02886-1359
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14970414 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 14970416 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,
 GRAND RAPIDS MI 49546-6253
 (address filed with court: Fifth Third Bank, 5050 Kingsley Drive, Cincinnati, OH 45263)
 14970415 +Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610
 14986240 Fifth Third Bank, P.O. Box 637640, Cincinnati Ohio 45263-7640
 14970417 +Genesis / Celtic Indigo, Po Box 4499, Beaverton, OR 97076-4499
 14970420 +Mohela / Department Of Education, 633 Spirit Drive, Chesterfield, MO 63005-1243
 14992256 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 14970426 +Tbom / Milestone, Po Box 4499, Beaverton, OR 97076-4499
 14970427 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
 14970428 Toyota Motor Credit Company, 111 West 22nd Street, Oakbrook, IL 60521
 14996727 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14993797 U.S. Department of Education, C/O FedLoan Servicing, P.O. Box 69184,
 Harrisburg PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14970407 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 12 2019 03:03:47 Capital One,
 Po Box 26625, Richmond, VA 23261-6625
 14970406 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 12 2019 03:03:47 Capital One,
 Po Box 30281, Salt Lake City, UT 84130-0281
 14984215 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 12 2019 03:03:47
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083,
 Charlotte, NC 28272-1083
 14970408 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 12 2019 03:04:06 Capital One N.A.,
 PO Box 30285, Salt Lake City, UT 84130-0285
 14970411 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Mar 12 2019 02:58:52
 Comenity Bank / Giant Eagle, Po Box 182789, Columbus, OH 43218-2789
 14970412 +E-mail/PDF: creditonebknofifications@resurgent.com Mar 12 2019 03:03:52 Credit One Bank Na,
 Po Box 98872, Las Vegas, NV 89193-8872
 14970413 E-mail/Text: mrdiscen@discover.com Mar 12 2019 02:58:34 Discover Financial Services LLC,
 Po Box 15316, Wilmington, DE 19850
 14973402 E-mail/Text: mrdiscen@discover.com Mar 12 2019 02:58:34 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15002700 +E-mail/Text: kborkley@bernsteinlaw.com Mar 12 2019 02:59:55 Duquesne Light Company,
 c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14970418 E-mail/Text: bncnotices@becket-lee.com Mar 12 2019 02:58:39 Kohls / Capital One,
 N56 West 17000 Ridgewood Drive, Menomonee Falls, WI 53051
 14992042 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 12 2019 02:59:21 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 14970419 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 12 2019 02:59:21 Midland Funding LLC,
 2365 Northside Drive, Suite 30, San Diego, CA 92108-2709
 14970422 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 12 2019 03:03:49
 Portfolio Recovery Associates, 120 Corporate Boulevard, Suite 1, Norfolk, VA 23502
 14998524 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 12 2019 03:04:08
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14971548 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 12 2019 03:04:07
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14970421 +E-mail/Text: paparalegals@pandf.us Mar 12 2019 03:00:10 Patenaude & Felix APC,
 501 Corporate Drive, Southpointe Center, Suite 205, Canonsburg, PA 15317-8584
 15007555 +E-mail/Text: bncmail@w-legal.com Mar 12 2019 02:59:33 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14970423 +E-mail/PDF: gecsedirecoverycorp.com Mar 12 2019 03:04:20 Synch / Amazon, Po Box 965015,
 Orlando, FL 32896-5015
 14970424 +E-mail/PDF: gecsedirecoverycorp.com Mar 12 2019 03:04:03 Synch / JCPenney, Po Box 965007,
 Orlando, FL 32896-5007
 14970425 +E-mail/PDF: gecsedirecoverycorp.com Mar 12 2019 03:04:23 Synch / Walmart, Po Box 965024,
 Orlando, FL 32896-5024
 15007328 +E-mail/PDF: gecsedirecoverycorp.com Mar 12 2019 03:04:21 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 15007609 +E-mail/Text: bncmail@w-legal.com Mar 12 2019 02:59:33 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

TOTAL: 22

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 40

Date Rcvd: Mar 11, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 13, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 11, 2019 at the address(es) listed below:

Daniel P. Foster on behalf of Debtor Kenneth C Whiteleather dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5